

NATURAL RESOURCES BOARD

Minutes

The regular meeting of the Natural Resources Board was held on Wednesday, June 22, 2005 at Park Plaza Hotel, One North Main Street, Oshkosh, Wisconsin. The meeting was called to order at 8:30 a.m. for action on items 1-7. The meeting adjourned at 1:07 p.m.

Wednesday, June 22, 2005

ORDER OF BUSINESS

1. Organizational Matters

1.A. Calling the roll

Jerry O'Brien	Dan Poulson	Jonathan Ela
Herb Behnke	Christine Thomas	John Welter
Steve Willett		

Oshkosh Mayor Bill Castle welcomed the Natural Resources Board to Oshkosh.

1.B. Approval of minutes from May 25, 2005

Mr. Poulson MOVED, seconded by Mr. Ela approval of the minutes from May 25, 2005. The motion carried unanimously by all members.

1.C. Approval of agenda for June 22, 2005

Mr. Willett MOVED, seconded by Mr. Behnke approval of the agenda for June 22, 2005. The motion carried unanimously by all members.

2. Ratification of Acts of the Department Secretary

2.A. Real Estate Transactions

Mr. Behnke MOVED, seconded by Mr. Willett approval of the Real Estate Transactions. The motion carried unanimously by all members.

3. Action Items

3.A. Air, Waste, and Water/Enforcement

3.A.1. Adoption of Board Order AM-66-04, revisions to NR 488 relating to salvaging and transport of equipment containing refrigerants that damage the atmosphere.

Patrick Kirsop, Section Chief, Emissions Inventory and Small Source stated that these revisions will apply to existing refrigerant recovery and safe transport requirements in NR 488, to two types of substances now used as substitutes for ozone-depleting refrigerants, as authorized by s. 285.59(6), Stats. These refrigerants, HFCs (hydrofluorocarbons) and PFCs (perfluorocarbons), are strong global warming gases now found in automobile air conditioners, home appliances, and many other types of equipment being salvaged. The proposal will also revise recovery equipment operator qualifications to be consistent with other state agency and federal requirements; require more detailed records of salvaged equipment to provide the industry and Department greater ability to track compliance; and update references to revised Department of Commerce regulations.

Affected parties include vehicle and appliance salvagers; scrap metal processors; heating ventilation and air conditioning (HVAC) and other businesses and governmental units that retire refrigeration and air conditioning systems; waste haulers and others who collect discarded refrigerated appliances; and demolition contractors who arrange for AC or other equipment at demolition sites to be evacuated before scrapping. The Department surveyed a number of affected parties before adoption for hearings, and held public hearings on March 22 in Madison, Milwaukee, Eau Claire, and Green Bay. The main concern expressed was that the Department work to assure a "level playing field" within this industry. Commenting parties agreed that adding HFC and PFC refrigerants, requiring salvagers to maintain copies of their documentation to scrap processors, and updating operator qualifications would not present any problems. One person expressed concern that keeping more thorough records may require additional work.

Mr. Willett asked if the concern raised by one person about record keeping had been addressed.

Mr. Kirsop stated that the person is exempt from the record keeping because they are doing a good job keeping records.

Mr. Willett MOVED, seconded by Mr. Poulson adoption of Board Order AM-66-04, revisions to NR 488 relating to salvaging and transport of equipment containing refrigerants that damage the atmosphere. The motion carried unanimously by all members.

3.A.2. Adoption of Board Order AM-32-04a, revisions to NR 400, 406, 407 to improve interface between air construction and air operation permits.

Jeff Hanson, Section Chief, Permits and Stationary Source Modeling, Air Management Bureau stated that this request seeks adoption of proposed revisions to NR 400, 406, and 407 to allow for the inclusion of “state-only” requirements in construction permits and the use of administrative and minor permit revisions for the incorporation of construction permits and the use of administrative and minor permit revisions for the incorporation of construction permit requirements into operation permits. This order has been revised from that which the Board authorized for public hearing in August 2004. Several sections of the original order have been removed as they were only germane to changes the Department was proposing to provide the linkage to implement changes made to the federal air permit program. The federal air permit program changes are currently being litigated, so the Department is not pursuing those rule changes at this time. Currently, all emission limitations and specific conditions that are contained within a construction permit are considered federally enforceable because there is no mechanism within the construction permit program to identify “state-only” requirements. These rule revisions will enable Wisconsin to identify requirements as “state-only” conditions in construction permits where the underlying rule has not been submitted to USEPA for inclusion in the State Implementation Plan. This allows the state to identify provisions that are not intended to be federally enforceable, or are not required by federal law. Examples of such requirements are those in Wisconsin’s Hazardous Air Pollutant Rule, NR 445.

Incorporation of construction permit requirements into operation permits under current regulations are required to be done using significant permit revision procedures outlined in NR 407.13. Because the significant revision process takes more time, permittees have expressed concern over conflicting permit requirements and unclear obligations for the submittal of compliance certification reports. These rule revisions allow for construction permit requirements to be included in operation permits using either administrative or minor permit revision processes. Administrative or minor revision procedures can be used if the criteria in NR 407.11 or 407.12 are met.

Dr. Thomas MOVED, seconded by Mr. Willett adoption of Board Order AM-32-04a, revisions to NR 400, 406, 407 to improve interface between air construction and air operation permits. The motion carried unanimously by all members.

3.A.3. Request authorization for public hearing of Board Order WT-21-05, revisions to NR 243 relating to Concentrated Animal Feeding Operations (CAFO)

Gordon Stevenson, Section Chief, Runoff Management Section, Watershed Management Bureau stated that the department is proposing to repeal and recreate ch. NR 243, which outlines Wisconsin Pollutant Discharge Elimination System (WPDES) permit program requirements for Concentrated Animal Feeding Operations (CAFOs), in order to incorporate federal rule changes for CAFOs and to include requirements for other animal feeding operations. In response to federal rule changes, the revisions to NR 243 incorporate additional requirements for CAFOs with 1000 animal units or more, including; (1) nutrient management planning requirements (e.g., phosphorus-based nutrient management, restrictions on manure and process wastewater applications on frozen or snow-covered ground, manure and process wastewater application setbacks from wells and navigable waters) and (2) design and operation requirements for the animal production area (e.g., construction of manure storage, increased monitoring and reporting). More detail was also included for regulation and permitting of operations with fewer than 1000 animal units in the event WPDES permit coverage is needed.

The proposed revisions to ch. NR 243 may be controversial. Public advocacy groups are likely to believe that the rules do not go far enough to protect waters of the state while agricultural producers and their representatives are likely to believe that the rules are overly prescriptive and restrictive. Areas where this controversy is likely to be most focused include phosphorus-based nutrient management, restrictions on manure applications and process wastewater near wells and navigable waters, restrictions on manure applications on frozen or snow-covered ground, allowances for headland stacking of solid manure in lieu of designed storage and requirements to build six months storage for liquid manure.

Mr. Welter asked if there are many farms that operate just below the animal unit limit

Mr. Stevenson stated yes. He explained other states' regulations. Minnesota offers general permits. Iowa is in the process of developing rules. Illinois does not regulate CAFOs. Most states have a general permit policy.

Mr. Ela asked about other issues such as noise, odor, traffic, and lighting being regulated.

Mr. Stevenson stated that those regulations are emerging, but this rule only regulates water quality.

Mr. Behnke asked about the navigable water definition, specifically, does it include drainage ditches through farm fields.

Mr. Stevenson stated yes it could, if it is man-made and runs into navigable waters.

Mr. Behnke asked if this was discussed at the stakeholder meeting and if there was opposition to it.

Tom Baumann, Runoff Management Water Resources Engineer, Watershed Management Bureau stated that the land would not be taken out of production, but we try to incorporate reduced setbacks from 100 feet to accommodate the farmers.

Mr. Behnke stated that reducing the setbacks to 25 feet does add a lot of nutrients back into the water.

Mr. Stevenson stated it depends on the time of year, for instance if there are crops growing. There is a technological shortfall. Currently, farmers have two choices for manure disposal: storage and land disposal.

Mr. Ela clarified that the federal requirement is 100 feet and this rule is developing equivalents that will allow reduced setbacks with equal protection.

Mr. Stevenson stated that is correct.

Mr. Welter asked if we were to follow the EPA requirements and find that it is inadequate we could make stricter state standards.

Todd Ambs, Administrator, Division of Water stated for Clean Water Act we cannot have stricter standards, but for areas not protected under the Clean Water Act state standards could be stricter.

Mr. Willett asked what are the practical implications of the restricted phosphorus strategy.

Mr. Stevenson stated that it would require farmers to spread manure on more acreage.

Dr. Thomas asked about well contamination due to manure runoff. Is this from CAFOs or smaller operations?

Mr. Stevenson stated there were 59 manure run-off instances in the last year. About 12 were well contaminations. Three out of the 59 instances were from CAFOs, the remainder were from smaller operations.

Mr. Poulson explained the purpose of Discovery Farms is to add science to what people do on individual farms over a 12-month period.

Mr. Ela asked about the circumstances that would deem a farm to be eligible for a general permit.

Mr. Stevenson stated that while general permit criteria are not yet formulated, it is probable that farms that are a long distance from surface water, thick soils without high ground water or fractured bedrock, adequate acreage for disposal of manure, and adequate cropping schemes would be considered for general permit coverage.

Mr. Ela asked if this green sheet packet includes the issuance of general permits.

Mr. Stevenson stated that we are the only state without general permits.

Mr. Ela stated that the Board may want to address the general permit issue separately from the CAFO permits.

Russ Rasmussen, Director, Watershed Management Bureau stated that the requirements of a general permit are not less strict.

Mr. Ela stated that he doesn't object to the concept, but this Board should define the circumstances under which a general permit could be issued.

Mr. Behnke asked if that is an administrative function rather than a board function.

Mr. Willett stated that in some instances, yes, but in other it isn't.

Mr. Ela stated that the design of the general permit is what the Board should be involved in, not the issuance of individual general permits.

Mr. Stevenson stated that the Department is requesting the ability to issue general permits.

Mr. Willett stated the Board's intent is not to approve permits, it's the guidelines or criteria between the individual permits versus general permits. He asked about mortality management and asked if that was a problem.

Mr. Stevenson stated that DATCP has an administrative code that addresses that. If producers follow this code it protects water quality.

Mr. Willett asked about animal disposal in the case of mortality.

Mr. Stevenson stated it can be a problem, especially in a massive die-off.

Mr. Poulson added it is becoming a problem because of regulations that prevent use of any portion of those animals. It is economical not viable for an operation to take on that problem.

Mr. Welter asked about the timetable of this rule returning to the Board for final adoption.

Mr. Stevenson stated that final adoption of NR 243 is planned for December 2005. In a related matter, a progress report from the Manure Management Task Force is anticipated to be presented at the joint DNR/DATCP Board meeting in February of 2006. The Manure Management Task Force was convened at the request of Secretary Hassett and Secretary Nilsestuen to resolve issues associated with fishkills and well contaminations from manure runoff events that occurred within the last 12 months.

Mr. Ela asked how the volume of manure for a 1200 unit CAFO is handled and how many acres are needed to dispose of it.

Mr. Stevenson stated that it is becoming a problem for some counties. Many farms are switching from a solid storage system to a liquid storage system.

Mr. Behnke MOVED, seconded by Mr. Willett approval of request authorization for public hearing of Board Order WT-21-05, revisions to NR 243 relating to Concentrated Animal Feeding Operations (CAFO). The motion carried unanimously by all members.

3.A.4. Request authorization for public hearing of Board Order AM-03-05, revisions to NR 485 relating to motor vehicle emission limitations and catalytic converter replacement provisions.

Larry Bruss, Section Chief, Regional Pollutants and Mobile Sources Section, Air Management Bureau stated that The emission limitations ("cutpoints") subject to this proposed revision are pass/fail standards for the state's motor vehicle inspection and maintenance (I/M) program. This program is operating in the seven southeastern Wisconsin counties of Kenosha, Milwaukee, Ozaukee, Racine, Sheboygan, Washington and Waukesha. The Department proposes to revise certain cutpoints for specific categories of vehicles as follows:

- (1) Relax the cutpoints for oxides of nitrogen (NOx) for some groups of trucks and older cars to account for some deterioration of the emission control systems for these vehicles;
- (2) Establish new cutpoints for model year 2005 and newer heavy-duty trucks to account for new federal certification standards for these vehicles; and
- (3) Simplify the cutpoints for some categories of model year 1994 to 1996 vehicles so that the lane inspector would not need to decode data under the vehicle's hood in order to determine the proper cutpoints.

The Department also proposes to revise the catalytic converter replacement provisions in s. NR 485.06(2), Wis. Adm. Code, to make them consistent with current federal emission warranty provisions.

The changes to the NOx cutpoints could result in fewer NOx emission reductions from the I/M program than those the Department originally projected in its state implementation plan (SIP) for attainment of the one-hour ozone standard. However, the emission budgets in the SIP include "safety margins" and any additional NOx emissions from this proposal will not result in emissions exceeding their budgets.

The proposed rule is not expected to be controversial. The main impact of the proposed rule is that slightly fewer vehicles would fail the emission inspection. This would affect some vehicle owners and vehicle repair technicians. Also, since transportation plans and programs are required under federal law to conform to the SIP, transportation stakeholders may be interested in the proposed rule's impact on the safety margins for the motor vehicle emission budgets in the SIP. The last action of the Board pertaining to the I/M program was its adoption of rules during September 2000 that changed the NOx cutpoints from advisory to enforceable, effective May 2001.

Dr. Thomas asked how many days on average in summer is the Southeast portion of the state in noncompliance.

Mr. Bruss stated about 8-12 days in a typical year.

Dr. Thomas asked if this rule change is going to make a difference in days.

Mr. Bruss stated no this is just a minor change that is only going to affect about 100 vehicles not failing.

Mr. Ela asked about the safety margin in a non-compliance area.

Mr. Bruss explained that the older trucks could not meet the standards because of deterioration. Failure rate is very high for those vehicles. We are allowing them a little more room and not very many of these trucks are left in the fleet. We have an agreement with DOT to evaluate easier, cheaper, and publicly acceptable ways.

Mr. Ela asked if we are making progress in meeting the one hour standard.

Mr. Bruss stated one hour standard was revoked last week. Eight-hour is now the standard. We were making progress up until it was revoked.

Mr. Willett MOVED, seconded by Mr. Poulson approval of request authorization for public hearing of Board Order AM-03-05, revisions to NR 485 relating to motor vehicle emission limitations and catalytic converter replacement provisions. The motion carried unanimously by all members.

3.B. Land Management, Recreation, and Fisheries/Wildlife

- 3.B.1. Adoption of Board Order FR-13-05, revisions to NR 46, relating to annual adjustment of stumpage rates. **Carol Nielsen**, Tax Law Manager, Forest Management Bureau stated that the Department requests adoption of the proposed stumpage rate changes in NR46.30 (2) and the addition of a note after each stumpage rate table in ss. NR46.30 (2) (a), (b) and (c). Annual Stumpage Rate Adjustments. Section 77.06 (2) and 77.91 (1), Stats., require that the department establish stumpage rates (values) used in calculating severance and yield taxes on timber harvested from land enrolled in the Forest Crop Law (FCL) and Managed Forest Law (MFL). This rule would repeal and recreate NR 46.30 (2) (a) to (c) to revise the stumpage values to be used in calculating severance taxes and yield taxes for timber harvested during the period of November 1, 2005 and October 31, 2006. Thirteen separate zones reflect varying stumpage values for different species and products across the state. The average change for sawtimber is a 0.6% increase over current rates. The pulpwood prices, on average, would decrease 0.06%. Stumpage values are collected from private, state and county timber sales to be used in calculating the proposed stumpage rates. The note being added already appears following s. NR46.30 (2) (c). It explains that the rates are used to calculate severance and yield taxes and are not a guarantee of actual market prices. It is proposed that the note be repeated each stumpage rate table in ss. NR46.30 (2) (a), (b) and (c) too so that it is more prevalent.

Mr. Behnke MOVED, seconded by Mr. Willett adoption of Board Order FR-13-05, revisions to NR 46, relating to annual adjustment of stumpage rates. The motion carried unanimously by all members.

- 3.B.2. Adoption of Board Order FR-05-05, revisions to NR 47, relating to Wisconsin Act 57 and housekeeping changes Gypsy Moth suppression plan. **Andrea Diss**, Gypsy Moth Program Coordinator, Forest Sciences Bureau stated that NR 47 established the administration and procedures for participation by landowners through counties in a voluntary state program to suppress outbreaks of gypsy moth in 2001. Revisions to this rule are made necessary by the passage of s. 26.30(6m) Stats. which reduced the minimum spray block size to 20 compact and contiguous acres and which removed the requirement that residents of proposed spray blocks be notified by mail. Additional changes are proposed that we expect will reduce or otherwise ease the workload of the county and community program participants. Many of these changes were suggested by participants over the first years of this program. These changes include:
- specifying that county coordinators may delegate tasks,
 - allowing notification of the public to the availability of the suppression program by means other than a public meeting,
 - reducing the number of sprayed blocks that county coordinators must survey for defoliation to just those identified as having some defoliation during aerial surveys conducted by the DNR,
 - delaying the due date for applications from December 1 to the first Friday in December,
 - any block revisions will be made with the help of the DNR regional suppression coordinator, removing the requirement to exchange maps,
 - requiring a single administrative expense report for the entire year replacing the previous requirement of a report every 6 months.
- The board authorized us to take the revised rule to public hearings. There was little public reaction to the revisions during the hearing period. However, we are not concerned with the lack of response because we had solicited input and incorporated suggestions from participants in the program prior to developing the revisions. We now come to the board for final adoption of the revised rule.
- Mr. Willett** asked how successful is the suppression of Gypsy Moths.
- Ms. Diss** stated that we are doing fairly well. She described the situation in Milwaukee Area and the success in that area. The treated areas in NE Wisconsin have been successful, but there is more widespread defoliation.
- Mr. Poulson** asked where the costs share dollars are coming from.
- Ms. Diss** stated United States Department of Agriculture.
- Mr. Ela** noted that the legislature has directed that direct landowner notification is burdensome, and has prohibited the department from requiring it. He urged the department to do everything within its authority to encourage direct notification.
- Ms. Diss** stated that we can't require it, but we can encourage notification. Still developing methods of notifying landowners of spraying.

Mr. Behnke MOVED, seconded by Mr. Willett adoption of Board Order FR-05-05, revisions to NR 47, relating to Wisconsin Act 57 and housekeeping changes Gypsy Moth suppression plan.

Mr. Ela asked for a report back on the direct notification program.

The motion carried unanimously by all members.

3.B.3. Adoption of Board Order WM-02-05, revisions to NR 10, 12, 16, 17, 19, and 27 as part of the 2005 Wildlife Housekeeping Order

Kurt Thiede, Wildlife Biologist, Wildlife Management Bureau stated that these rule changes are minor in nature, non-controversial and can most effectively be handled through the housekeeping procedure. We are proposing changes that provide clarifications to current rules, updating definitions, increasing management efficiency and altering limitations on hunters. Specifically, this housekeeping rule order:

- Clarifies that cylinder loading black powder handguns may be used for hunting species other than deer or bear.
- Clarifies that doves are included under the definition of migratory game birds.
- Clarifies waterfowl blind requirements.
- Creates a definition for rifle.
- Clarifies that hen pheasants held under ch. 29 or 169, Stats. authority are not considered protected.
- Clarifies that those unprotected species identified in ch. 169, Stats. may be taken live from the wild.
- Codifies the department position that pigeons are not considered wild animals.
- Clarifies that air guns may not be used for deer or bear hunting.
- Updates references to the submission of special permit applications necessary due to modified hours of operation for service centers.
- Codifies the issuance of special permits for those who incorrectly tag a deer.
- Clarifies that a structure, for the purposes of dry land body gripping type traps is a single unit or structure.
- Updates rule language pertaining to use of cable restraints.
- Clarifies rules pertaining to turkey tagging and tag validation.
- Clarifies wildlife damage program regulations.

Mr. Ela asked about the regulation of pigeons.

Mr. Thiede stated that it changes the regulation so people do not need a small game license to control pigeons.

Mr. Behnke MOVED, seconded by Mr. Ela adoption of Board Order WM-02-05, revisions to NR 10, 12, 16, 17, 19, and 27 as part of the 2005 Wildlife Housekeeping Order. The motion carried 6-1. Mr. Willett stated no.

3.B.4. Request authorization for public hearing of Board Order ER-26-05 revisions to NR 58 relating to the Endangered Resources Landowner Incentive Grant Program

Signe Holtz, Director, Endangered Resources Bureau stated the Department is amending the Endangered Resources Small Grants administrative rule, ch. NR 58, Wis. Adm. Code, to establish a grant program to enable private landowners to enhance rare species habitat on their property.

Jenny Bardeen, Landowner Incentive Program Specialist, Endangered Resources Bureau stated that the Landowner Incentive Program, funded through a grant from the U.S. Fish and Wildlife Service, will provide technical and financial assistance to private landowners with federally listed, state listed, or other at-risk species and rare or declining natural communities on their land. The ultimate goal of the program is to support the recovery of these rare species and natural communities and to prevent their further decline. The program will directly benefit private landowners by providing them with a new opportunity to manage natural communities on their land with funding from a federal program. The program may also help with species recovery and may help prevent declining species from becoming listed as endangered or threatened at the state or federal level. This proposal will also be of interest to governmental agencies and environmental organizations across the state. The name of ch. NR 58, Wis. Adm. Code, will be amended from "Endangered Resources Small Grants Program" to "Endangered Resources Grants Programs" and three subchapters will be created. The subchapters will include: General Provisions, Endangered Resources Small Grants Program and Landowner Incentive Program.

Mr. Willett asked if it is to enhance properties that already have existing rare species.

Ms. Bardeen stated the program is available to landowners with existing population and landowners who have potential habitat opportunities.

Mr. Welter asked if the funding is coming from the U.S. Fish and Wildlife Service.

Ms. Bardeen stated we are asking for funds to implement the program. We were already awarded money to set up the program.

Mr. Behnke asked about specific activities allowed on the land.

Ms. Bardeen stated that would be case by case basis.

Mr. Poulson asked if we are presently receiving dollars

Ms. Bardeen stated that we received a grant to set up the program. It's a brand new program.

Mr. Poulson MOVED, seconded by Mr. Behnke approval of request authorization for public hearing of Board Order ER-26-05 revisions to NR 58 relating to the Endangered Resources Landowner Incentive Grant Program. The motion carried unanimously by all members.

3.B.5. Request authorization for public hearing of Board Order FH-23-05 revisions to NR 24 relating to close commercial mussel harvest on the Mississippi River.

Ron Benjamin, Mississippi River Team Leader, West Central Region stated the Department requests authorization to hold public hearings on Order FH-23-05, closure of the commercial clam shelling season on the Mississippi River. Wisconsin's commercially harvestable native freshwater mussel stocks are in significant decline, especially in waters infested with zebra mussels. Surveys done since 1998 in river reaches where mussels were historically harvested have demonstrated extreme reductions in population densities and near absence of recruitment. These recent stock reductions compound reductions documented since 1980 from commercial over-harvest and mussel kills. Commercial demand has weakened since 1997, and the few commercial harvesters who have been active have been unable to find a market and subsequently could not sell their take. Although demand has weakened, resumption of commercial harvest will accelerate ongoing stock declines. During 2004, Minnesota closed its commercial mussel harvest season. It is expected that Iowa would close its commercial mussel harvest season in response to a Wisconsin closure. Illinois has an open season for commercial clamming on the Mississippi River (excluding washboard mussels), but there has been no commercial shelling activity in Illinois waters of the Mississippi River in the past five years.

Mr. Willett asked what is the problem with the program.

Mr. Benjamin stated he has to maintain staff to monitor the fishery. The fishery doesn't exist, but he has to maintain staff to monitor it.

Mr. Behnke MOVED, seconded by Mr. Ela approval of request authorization for public hearing of Board Order FH-23-05 revisions to NR 24 relating to close commercial mussel harvest on the Mississippi River. The motion carried unanimously by all members.

3.B.6. Request authorization for public hearing of Board Order FH-22-05 revisions to NR 20 relating to Sturgeon spearing regulations for the Lake Winnebago System.

Steve Hewett, Section Chief, Fisheries Policy and Operations, Fisheries Management and Habitat Protection Bureau stated that at the December Natural Resources Board meeting, an emergency rule was approved to allow the option of closing the 2005 Winnebago System sturgeon spearing season at the end of the first day if the total allowable harvest is exceeded on that first day. The Natural Resources Board expressed concern that this management option not be a permanent solution and so the Department is looking for other options for future regulations that might extend the season while maintaining acceptable harvest rates. The regulations will strive to control sturgeon exploitation rates, while continuing to maintain an open access fishery. Harvest levels have been maintained at acceptable levels, however in recent years the season has been cut short due to spearkers reaching harvest limits in short time periods. Five Public meetings and two meetings with the Winnebago Citizen's Sturgeon Advisory Committee in the three weeks following the close of the 2005 sturgeon spearing season reaffirmed the most critical issues to be: 1) maintaining the sturgeon harvest at an acceptable level, 2) maintaining an open fishery on Lake Winnebago, 3) addressing the excessive pressure on the Upriver Lakes, and 4) ensuring more regular long spearing seasons. This rule proposes the following changes to Lake Winnebago system sturgeon spearing rules: 1) Upriver Lakes: create a random-permit drawing system for an annual sturgeon spear fishery on the Upriver Lakes beginning in 2007. 2) "Fast Start" Season 100% Closure Trigger: beginning in 2006, allow the spearing season to be closed at the end of a spearing day should any one of the three harvest caps (juvenile females, adult females, males) be reached or exceeded that day. 3) "Slow Finish" Season 90% Closure Trigger: beginning in 2006, increase the season closure trigger from 80% to 90%.

Ron Bruch, Regional Team Supervisor, Northeast Region gave a review of the 2005 sturgeon season results.

Mr. Willett asked about the definition of up river lakes.

Mr. Bruch stated he is referring to the lakes up river from Lake Winnebago.

Mr. Behnke asked him to describe how the Department plans on controlling sturgeon harvests.

Mr. Bruch stated by implementing harvest caps. He went on to describe the harvest cap triggers.

Mr. Behnke asked about reducing size limits and how it affects the harvest caps.

Mr. Bruch stated it reduced the harvest of adult females.

Mr. Behnke complimented Mr. Bruch and the advisory team. It is a smooth management of the sturgeon population.

Mr. Behnke MOVED, seconded by Mr. Welter approval of request authorization for public hearing of Board Order FH-22-05 revisions to NR 20 relating to Sturgeon spearing regulations for the Lake Winnebago System. The motion carried unanimously by all members.

3.B.7. Easement Acquisition, Baraboo Hills Recreation Area, Sauk County

Mr. Behnke MOVED, seconded by Mr. Ela approval of Easement Acquisition, Baraboo Hills Recreation Area, Sauk County.

Mr. O'Brien asked if there is public access

Mr. Steffes, Real Estate Director stated there isn't public access.

Mr. O'Brien asked if appraisers have comparable properties.

Mr. Steffes stated easements are difficult to assess.

The motion carried unanimously by all members

3.B.8. Land Acquisition, Statewide Natural Area, Shawano County

Mr. Behnke stated he has concern about the 400 feet not included in the easement. There is a harvest value to that area. He would like to see that area included or renegotiate the other area.

Mr. Willett suggested a conservation easement.

Mr. Behnke MOVED, seconded by Dr. Thomas defer approval of Land Acquisition, Statewide Natural Area, Shawano County. The motion carried unanimously by all members

Mr. O'Brien asked about prioritizing land purchases when land prices are rising.

Mr. Steffes stated that there are 300+ projects. He added that the Department tries to purchase land before it is set up for development. It is evaluated on a case by case basis.

3.B.9. Easement Acquisition, Lower Wisconsin State Riverway, Sauk County

Mr. Ela MOVED, seconded by Mr. Welter approval of Easement Acquisition, Lower Wisconsin State Riverway, Sauk County and change the boundaries. The motion carried unanimously by all members

3.B.10. Land Acquisition, Statewide Natural Area, Door County

Mr. Willett MOVED, seconded by Mr. Welter approval Land Acquisition, Statewide Natural Area, Door County.

Dr. Thomas asked if this is in a project boundary.

Mr. Steffes stated yes.

Mr. Welter asked if it would be open to public hunting.

Mr. Steffes stated yes.

The motion carried unanimously by all members

3.B.11. Land Acquisition, Central Wisconsin Grassland Conservation Area, Portage County

Mr. Behnke MOVED, seconded by Mr. Ela approval Land Acquisition, Central Wisconsin Grassland Conservation Area, Portage County. The motion carried unanimously by all members

3.B.12. Land Acquisition, Statewide Wildlife Habitat Area Program, Racine County

Mr. Poulson MOVED, seconded by Mr. Ela approval Land Acquisition, Statewide Wildlife Habitat Area Program, Racine County.

Mr. Poulson asked how many acres the State has with NRCS.

Mr. Steffes stated he will do research.

The motion carried unanimously by all members

3.B.13. Land Easement Acquisition, Lower Chippewa River Natural Area, Pepin County

Mr. Welter MOVED, seconded by Mr. Willett approval Land Easement Acquisition, Lower Chippewa River Natural Area, Pepin County. The motion carried unanimously by all members.

Mr. Welter encouraged the Department to use the site as an educational site.

Mr. Steffes stated there is no public access, but he will pass on that request.

3.B.14. Land Acquisition, French Creek Wildlife Area, Marquette County

Mr. Willett MOVED, seconded by Mr. Poulson approval Land Acquisition, French Creek Wildlife Area, Marquette County. The motion carried unanimously by all members

3.B.15. Land Acquisition, Crex Meadows Wildlife Area, Burnett County

Mr. Willett MOVED, seconded by Mr. Poulson approval Land Acquisition, Crex Meadows Wildlife Area, Burnett County and improve boundary modification. The motion carried unanimously by all members.

3.B.16. Land Acquisition, Wild Rose Fish Hatchery, Waushara County

Mr. Willett MOVED, seconded by Mr. Poulson approval Land Acquisition, Wild Rose Fish Hatchery, Waushara County. The motion carried unanimously by all members.

3.B.17. Land Acquisition, Sale, and Partial Donation, Statewide Natural Area, St. Croix County

Mr. Willett MOVED, seconded by Mr. Welter approval Land Acquisition, Sale, and Partial Donation, Statewide Natural Area, St. Croix County. The motion carried unanimously by all members.

4. Citizen Participation

4.A. Citizen Recognition

4.A.1. 2005 Brogan Award

Secretary Hassett stated that the 2005 John C. Brogan Awards are being awarded to Packaging Corporation of America – Tomahawk Mill, Tomahawk, WI and Ralph Patterson, WDNR.

John Piotrowski accepted the award and thanked the Board for the award.

Ralph Patterson thanked the Board for the award.

4.B. Citizen Participation

4.B.1. **Harvey Ramthun**, Kewaskum stated he is concerned about the lack of sunset on the upper river lake in the sturgeon rule. He is also concerned about license fee increases and the lack of increase of out-of-state fees. His third concern is the T Zone in unit 69 user conflict with hikers, bikers, and horseback riders in the Northern Unit of the Kettle Moraine State Forest.

5. Board Members' Matters

Mr. Behnke requested an informational item baiting and feeding in October 2005 not October 2006

Dr. Thomas stated that the concern about backtag information has been resolved. The Department allows duct tape to be placed over personal information.

6. Special Committees' Reports

7. Department Secretary's Matters

- 7.A. Retirement Resolutions
- 7.A.1. Edwin O. Boebel
- 7.A.2. Cora D. John
- 7.A.3. John Grump
- 7.A.4. David Linderud
- 7.A.5. Mark S. Brann
- 7.A.6. Robert C. Gothblad
- 7.A.7. Norman Hawkins

Mr. Welter MOVED, seconded by Mr. Willett approval of the retirement resolutions. The motion carried unanimously by all members present.

- 7.B. Donations
- 7.B.1. Ducks Unlimited will donate \$11,000 for wetland & grassland restoration work in Eau Claire and Chippewa counties.
Mr. Welter MOVED, seconded by Mr. Willett approval of donation from Ducks unlimited for \$11,000 for wetland and grassland restoration work in Eau Claire and Chippewa Counties. The motion carried unanimously by all members present.
- 7.B.2. Clay Price Foundation will donate \$30,000 for the Dairy Gateway Project.
Mr. Poulson MOVED, seconded by Mr. Willett approval of donation from Clay Price Foundation for \$30,000 for the Dairy Gateway Project. The motion carried unanimously by all members present.
- 7.B.3. Whitetails Unlimited, Inc will donate \$8,000 to maintain and rejuvenate existing wildlife openings and walking trails at Hoffman/Hay Lake State Wildlife Area and the Price County Forest.
Mr. Willett MOVED, seconded by Mr. Poulson approval of donation from Whitetails Unlimited, Inc for \$8,000 to maintain and rejuvenate existing wildlife openings and walking trails at Hoffman/Hay Lake State Wildlife Area and the Price County Forest. The motion carried unanimously by all members present.
- 7.B.4. Charter Media and Time Warner Cable will donate cable television airtime valued at approximately \$100,000 to the Division of Forestry.
Mr. Poulson MOVED, seconded by Mr. Willett approval of donation from Charter Media and Time Warner Cable for cable television airtime, valued at approximately \$100,000 for forestry public service announcements. The motion carried unanimously by all members present.

Mr. Welter asked about the joint finance decision about pheasant stocking change. 60 percent will be pheasant stocking/40 percent will be pheasant habitat. He asked will pheasant hunters in pheasant management zones be require to buy stamps.

Mr. Thiede stated Wildlife Management will follow up with the Board.

Mr. Behnke gave an update on the deer hunting steering committee. The next meeting is June 29 in Portage.

The meeting adjourned at 1:07 p.m.